



Atty Dkt No. 0240.02
USSN: 09/927,773
PATENT

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GARY R FABIAN

19 JUL 2004

Date

Gary R Fabian

Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Potts, R. O., et al.

Serial No.: 09/927,773

Art Unit: 1631

Filing Date: 10 August 2001

Examiner: M.A. Moran

Title: METHODS AND DEVICES FOR PREDICTION OF HYPOGLYCEMIC
EVENTS

SUMMARY OF INTERVIEW WITH EXAMINER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper provides a summary of the telephonic interview between the Examiner and the undersigned agent. No fees are believed due. However, the Commissioner is hereby authorized to charge to Deposit Account No. 03-4058 any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, with the exception of the payment of the issue fee.

Interview Summary

On 8 June 2003, starting at approximately 11:45 AM PDT, Examiner Moran and Gary R. Fabian, Ph.D., agent for applicants, discussed the pending claims and the cited references. The pending claims are 1-36. The cited references are Kurnik (WO 99/58973) and Tamada, et al. (JAMA 282(19):1839-1844, 17 November 1999). The interview took place after final rejection as the result of a call from the Examiner requesting further clarification before appeal.

Examiner Moran and Dr. Fabian failed to reach agreement on the allowability of the pending claims; however, they agreed that further discussion of pending claims was merited. Examiner Moran and Dr. Fabian discussed the possibility of applicants submitting (i) a Declaration under 37 C.F.R. §1.132 to present further data relating to prediction of hypoglycemic events using applicants' invention or, (ii) a declaration relating to how skin conductivity and temperature measurements are employed in the Kurnik reference. Examiner Moran and Dr. Fabian also discussed reviewing the claims for possible amendments by applicants. Finally, Examiner Moran and Dr. Fabian discussed the possibility of applicants filing a Request for Continued Examination (RCE) in the present application to facilitate resolution of the current prosecution issues that are already of record in the prosecution history.

Conclusion

Please direct all further communications in this application to:

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Facsimile: 650-599-3913.

If the Examiner notes any further matters that the Examiner believes may be expedited by a telephone interview, the Examiner is requested to contact the undersigned at (650) 599-3591.

Respectfully submitted,

Date: 19 July 2004

By: Gary R. Fabian
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Agent for Applicants